

Attorney Docket No. 10054-2  
Patent

### REMARKS

In the interest of facilitating prosecution of the present application, claims 7 and 8 have been amended to exclude MCM-22. Applicants reserve the right to further prosecution of claims related to MCM-22 in a continuation application.

Reconsideration and withdrawal of the rejections of record are respectfully requested.

#### *Interview Summaries*

Applicants appreciate the Examiner's efficient response to Applicants' telephone call of April 2, 2003, and subsequent processing of the Request for Continuing Examination that was located by the Examiner after notification by the Applicants.

Applicants further appreciate the Examiner's agreeing to a personal interview on August 13, 2003. Applicants discussed alpha value limitations with the Examiner with respect to MCM-22 to distinguish a "catalyst suitable for hydroalkylation." The Examiner indicated that, even with additional data, she would consider such a limitation to be new matter. No agreement was reached. The Examiner also clarified that the rejection under 35 U.S.C. § 103(a) on page 4 of the Office Action dated April 14, 2003 was intended to apply to claims 7 through 10 and not claim 11.

#### *Summary of Status of Amendments and Office Action*

Claims 7 and 8 have been amended, 9 and 10 have been cancelled without prejudice, 11 was indicated to be allowable, and 12 has been added herein. Thus, claims 7, 8, 11, and 12 are presently pending in the application; claims 7, 11, and 12 being independent.

In the last Office Action, claims 9 and 10 were rejected under 35 U.S.C. § 112, first paragraph. Claims 7 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Del Rossi et al. (U.S. Patent No. 5,108,969). Claims 7 to 10 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Rossi et al. (U.S. Patent No. 5,108,969). The Examiner has indicated that claim 11 is allowed.

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*Response to the Rejection of Claims 9 and 10 under 35 U.S.C. § 112)*

Claims 9 and 10 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification. Applicants have cancelled these claims and respectfully submit that this rejection is now moot.

*Response to the Rejection of Claims 7 and 8 under 35 U.S.C. § 102(b)*

Claims 7 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Del Rossi et al. (U.S. Patent No. 5,108,969).

In the Office Action, the Examiner states that the Del Rossi et al. patent discloses a catalyst composition useful in hydrocarbon conversion processes and that the Del Rossi et al. patent, column 8, lines 37 to 46 and claim 1, "teaches and claims an MCM-22 zeolite having a group VIII metal and tin thereon". The Examiner acknowledges that Del Rossi et al. do not "specifically teach the metal ruthenium" but rather teach Group VIII metals. Notwithstanding this, the Examiner further states that "one of ordinary skill would have been able to at once envision ruthenium as a group VIII metal taught by the reference."

Applicants have amended claims 7 and 8 to exclude MCM-22 from the current claim coverage and respectfully submit that this amendment renders this rejection moot with respect to the present claims.

*Response to the Rejection of Claims 7 to 10 under 35 U.S.C. § 103(a)*

Claims 7 to 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Rossi et al. (U.S. Patent No. 5,108,969).

It is respectfully submitted that this rejection is also rendered moot by the present amendments to the claims.

For the foregoing reasons, Applicants respectfully request that the Examiner withdraw the current rejections.

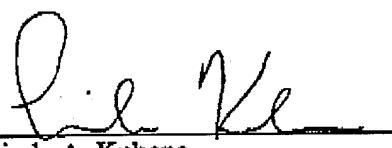
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Patent**CONCLUSION**

For the reasons advanced above, Applicants respectfully submit that all pending claims patentably define Applicants' invention. Entry of this Amendment and allowance of the application is earnestly solicited.

Should the Examiner have any further comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Date 9/11/03

  
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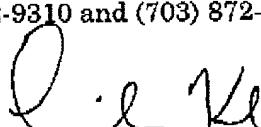
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